



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4462

Introduced 2/3/2020, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

See Index

Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Changes the short title to the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and changes corresponding references to the Act throughout the statutes. Repeals provisions concerning hair braiding licenses, and removes references to licensed hair braiding throughout the Act. Effective immediately.

LRB101 16622 SPS 66006 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.36 as follows:

6 (5 ILCS 80/4.36)

7 Sec. 4.36. Acts repealed on January 1, 2026. The following
8 Acts are repealed on January 1, 2026:

9 The Barber, Cosmetology, Esthetics, ~~Hair Braiding~~, and
10 Nail Technology Act of 1985.

11 The Collection Agency Act.

12 The Hearing Instrument Consumer Protection Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Illinois Dental Practice Act.

15 The Illinois Roofing Industry Licensing Act.

16 The Illinois Physical Therapy Act.

17 The Professional Geologist Licensing Act.

18 The Respiratory Care Practice Act.

19 (Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15;
20 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15;
21 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff.
22 12-31-15; 99-642, eff. 7-28-16.)

1 Section 10. The Massage Licensing Act is amended by
2 changing Section 30 as follows:

3 (225 ILCS 57/30)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 30. Title protection.

6 (a) Persons regulated by this Act are designated as massage
7 therapists and therefore are exclusively entitled to utilize
8 the terms "massage", "massage therapy", and "massage
9 therapist" when advertising or printing promotional material.

10 (b) Anyone who knowingly aids and abets one or more persons
11 not authorized to use a professional title regulated by this
12 Act or knowingly employs persons not authorized to use the
13 regulated professional title in the course of their employment,
14 commits a violation of this Act.

15 (c) Anyone not authorized, under the definitions of this
16 Act, to utilize the term "massage", "massage therapy", or
17 "massage therapist" and who knowingly utilizes these terms when
18 advertising commits a violation of this Act.

19 (d) Nothing in this Act shall prohibit the use of the terms
20 "massage", "massage therapy", or "massage therapist" by a salon
21 registered under the Barber, Cosmetology, Esthetics, ~~Hair~~
22 ~~Braiding~~, and Nail Technology Act of 1985, provided that the
23 salon offers massage therapy services in accordance with this
24 Act.

25 (Source: P.A. 97-514, eff. 8-23-11.)

1 Section 15. The Barber, Cosmetology, Esthetics, Hair
2 Braiding, and Nail Technology Act of 1985 is amended by
3 changing Sections 1-1, 1-2, 1-4, 1-7, 1-7.5, 1-10, 1-11, 3-1,
4 3B-1, 3B-10, 3B-11, 3B-12, 3B-15, 3B-16, 3C-8, 3D-5, 4-1, 4-2,
5 4-4, 4-6.1, 4-7, 4-9, 4-19, and 4-20 and the headings of
6 Article IIIB and Article IIID as follows:

7 (225 ILCS 410/1-1) (from Ch. 111, par. 1701-1)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 1-1. Title of Act. This Act may be cited as the
10 Barber, Cosmetology, Esthetics, ~~Hair Braiding~~, and Nail
11 Technology Act of 1985.

12 (Source: P.A. 96-1246, eff. 1-1-11.)

13 (225 ILCS 410/1-2) (from Ch. 111, par. 1701-2)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 1-2. Public policy. The practices of barbering,
16 cosmetology, esthetics, ~~hair braiding~~, and nail technology in
17 the State of Illinois are hereby declared to affect the public
18 health, safety and welfare and to be subject to regulation and
19 control in the public interest. It is further declared to be a
20 matter of public interest and concern that the professions
21 merit and receive the confidence of the public and that only
22 qualified persons be permitted to practice said professions in
23 the State of Illinois. This Act shall be liberally construed to

1 carry out these objects and purposes.

2 (Source: P.A. 98-911, eff. 1-1-15.)

3 (225 ILCS 410/1-4)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 1-4. Definitions. In this Act the following words
6 shall have the following meanings:

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's application file or the
9 licensee's license file, as maintained by the Department's
10 licensure maintenance unit.

11 "Board" means the Barber, Cosmetology, Esthetics, ~~Hair~~
12 ~~Braiding~~, and Nail Technology Board.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Hair braiding" means a natural form of hair manipulation
16 by braiding, cornrowing, extending, lacing, locking, sewing,
17 twisting, weaving, or wrapping human hair, natural fibers,
18 synthetic fibers, and hair extensions. Such practice can be
19 performed by hand or by using simple braiding devices including
20 clips, combs, hairpins, scissors, needles, and thread. "Hair
21 braiding" includes what is commonly known as "African-style
22 hair braiding" or "natural hair care", but is not limited to
23 any particular cultural, ethnic, racial, or religious form of
24 hair style. "Hair braiding" includes the making of customized
25 wigs from natural hair, natural fibers, synthetic fibers, and

1 hair extensions. "Hair braiding" does not involve the use of
2 penetrating chemical hair treatments, chemical hair coloring
3 agents, chemical hair straightening agents, chemical hair
4 joining agents, permanent wave styles, or chemical hair
5 bleaching agents applied to growing human hair. "Hair braiding"
6 does not include the cutting or growing of human hair, but may
7 include the trimming of hair extensions or sewn weave-in
8 extensions only as applicable to the braiding process.

9 "Licensed barber" means an individual licensed by the
10 Department to practice barbering as defined in this Act and
11 whose license is in good standing.

12 "Licensed cosmetologist" means an individual licensed by
13 the Department to practice cosmetology, nail technology, ~~hair~~
14 ~~braiding~~, and esthetics as defined in this Act and whose
15 license is in good standing.

16 "Licensed esthetician" means an individual licensed by the
17 Department to practice esthetics as defined in this Act and
18 whose license is in good standing.

19 "Licensed nail technician" means an individual licensed by
20 the Department to practice nail technology as defined in this
21 Act and whose license is in good standing.

22 "Licensed barber teacher" means an individual licensed by
23 the Department to practice barbering as defined in this Act and
24 to provide instruction in the theory and practice of barbering
25 to students in an approved barber school.

26 "Licensed cosmetology teacher" means an individual

1 licensed by the Department to practice cosmetology, esthetics,
2 ~~hair braiding,~~ and nail technology as defined in this Act and
3 to provide instruction in the theory and practice of
4 cosmetology, esthetics, ~~hair braiding,~~ and nail technology to
5 students in an approved cosmetology, esthetics, ~~hair braiding,~~
6 or nail technology school.

7 "Licensed cosmetology clinic teacher" means an individual
8 licensed by the Department to practice cosmetology, esthetics,
9 ~~hair braiding,~~ and nail technology as defined in this Act and
10 to provide clinical instruction in the practice of cosmetology,
11 esthetics, ~~hair braiding,~~ and nail technology in an approved
12 school of cosmetology, esthetics, ~~hair braiding,~~ or nail
13 technology.

14 "Licensed esthetics teacher" means an individual licensed
15 by the Department to practice esthetics as defined in this Act
16 and to provide instruction in the theory and practice of
17 esthetics to students in an approved cosmetology or esthetics
18 school.

19 ~~"Licensed hair braider" means an individual licensed by the~~
20 ~~Department to practice hair braiding as defined in this Act and~~
21 ~~whose license is in good standing.~~

22 ~~"Licensed hair braiding teacher" means an individual~~
23 ~~licensed by the Department to practice hair braiding and to~~
24 ~~provide instruction in the theory and practice of hair braiding~~
25 ~~to students in an approved cosmetology or hair braiding school.~~

26 "Licensed nail technology teacher" means an individual

1 licensed by the Department to practice nail technology and to
2 provide instruction in the theory and practice of nail
3 technology to students in an approved nail technology or
4 cosmetology school.

5 "Enrollment" is the date upon which the student signs an
6 enrollment agreement or student contract.

7 "Enrollment agreement" or "student contract" is any
8 agreement, instrument, or contract however named, which
9 creates or evidences an obligation binding a student to
10 purchase a course of instruction from a school.

11 "Enrollment time" means the maximum number of hours a
12 student could have attended class, whether or not the student
13 did in fact attend all those hours.

14 "Elapsed enrollment time" means the enrollment time
15 elapsed between the actual starting date and the date of the
16 student's last day of physical attendance in the school.

17 "Mobile shop or salon" means a self-contained facility that
18 may be moved, towed, or transported from one location to
19 another and in which barbering, cosmetology, esthetics, ~~hair~~
20 ~~braiding~~, or nail technology is practiced.

21 "Secretary" means the Secretary of the Department of
22 Financial and Professional Regulation.

23 "Threading" means any technique that results in the removal
24 of superfluous hair from the body by twisting thread around
25 unwanted hair and then pulling it from the skin; and may also
26 include the incidental trimming of eyebrow hair.

1 (Source: P.A. 98-238, eff. 1-1-14; 98-911, eff. 1-1-15; 99-427,
2 eff. 8-21-15.)

3 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 1-7. Licensure required; renewal; restoration.

6 (a) It is unlawful for any person to practice, or to hold
7 himself or herself out to be a cosmetologist, esthetician, nail
8 technician, ~~hair braider,~~ or barber without a license as a
9 cosmetologist, esthetician, nail technician, ~~hair braider~~ or
10 barber issued by the Department pursuant to the provisions of
11 this Act and of the Civil Administrative Code of Illinois. It
12 is also unlawful for any person, firm, partnership, limited
13 liability company, or corporation to own, operate, or conduct a
14 cosmetology, esthetics, nail technology, ~~hair braiding,~~ or
15 barber school without a license issued by the Department or to
16 own or operate a cosmetology, esthetics, or nail technology, ~~or~~
17 ~~hair braiding~~ salon, barber shop, or other business subject to
18 the registration requirements of this Act without a certificate
19 of registration issued by the Department. It is further
20 unlawful for any person to teach in any cosmetology, esthetics,
21 nail technology, ~~hair braiding,~~ or barber college or school
22 approved by the Department or hold himself or herself out as a
23 cosmetology, esthetics, ~~hair braiding,~~ nail technology, or
24 barber teacher without a license as a teacher, issued by the
25 Department or as a cosmetology clinic teacher without a license

1 as a cosmetology clinic teacher issued by the Department.

2 (b) Notwithstanding any other provision of this Act, a
3 person licensed as a cosmetologist may hold himself or herself
4 out as an esthetician and may engage in the practice of
5 esthetics, as defined in this Act, without being licensed as an
6 esthetician. A person licensed as a cosmetology teacher may
7 teach esthetics or hold himself or herself out as an esthetics
8 teacher without being licensed as an esthetics teacher. A
9 person licensed as a cosmetologist may hold himself or herself
10 out as a nail technician and may engage in the practice of nail
11 technology, as defined in this Act, without being licensed as a
12 nail technician. A person licensed as a cosmetology teacher may
13 teach nail technology and hold himself or herself out as a nail
14 technology teacher without being licensed as a nail technology
15 teacher. ~~A person licensed as a cosmetologist may hold himself
16 or herself out as a hair braider and may engage in the practice
17 of hair braiding, as defined in this Act, without being
18 licensed as a hair braider. A person licensed as a cosmetology
19 teacher may teach hair braiding and hold himself or herself out
20 as a hair braiding teacher without being licensed as a hair
21 braiding teacher.~~

22 (c) A person licensed as a barber teacher may hold himself
23 or herself out as a barber and may practice barbering without a
24 license as a barber. A person licensed as a cosmetology teacher
25 may hold himself or herself out as a cosmetologist,
26 esthetician, ~~hair braider,~~ and nail technologist and may

1 practice cosmetology, esthetics, ~~hair braiding,~~ and nail
2 technology without a license as a cosmetologist, esthetician,
3 ~~hair braider,~~ or nail technologist. A person licensed as an
4 esthetics teacher may hold himself or herself out as an
5 esthetician without being licensed as an esthetician and may
6 practice esthetics. A person licensed as a nail technician
7 teacher may practice nail technology and may hold himself or
8 herself out as a nail technologist without being licensed as a
9 nail technologist. ~~A person licensed as a hair braiding teacher~~
10 ~~may practice hair braiding and may hold himself or herself out~~
11 ~~as a hair braider without being licensed as a hair braider.~~

12 (d) The holder of a license issued under this Act may renew
13 that license during the month preceding the expiration date of
14 the license by paying the required fee.

15 (e) The expiration date, renewal period, and conditions for
16 renewal and restoration of each license shall be established by
17 rule.

18 (f) A license issued under the provisions of this Act as a
19 barber, barber teacher, cosmetologist, cosmetology teacher,
20 cosmetology clinic teacher, esthetician, esthetics teacher,
21 nail technician, or nail technician teacher, ~~hair braider, or~~
22 ~~hair braiding teacher~~ that has expired while the holder of the
23 license was engaged (1) in federal service on active duty with
24 the Army, Navy, Marine Corps, Air Force, or Coast Guard of the
25 United States of America, or any Women's Auxiliary thereof, or
26 the State Militia called into the service or training of the

1 United States of America or (2) in training or education under
2 the supervision of the United States preliminary to induction
3 into the military service, may be reinstated or restored
4 without payment of any lapsed renewal fees, reinstatement fee,
5 or restoration fee if within 2 years after the termination of
6 such service, training, or education other than by dishonorable
7 discharge, the holder furnishes the Department with an
8 affidavit to the effect that he or she has been so engaged and
9 that his or her service, training, or education has been so
10 terminated.

11 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

12 (225 ILCS 410/1-7.5)

13 (Section scheduled to be repealed on January 1, 2026)

14 Sec. 1-7.5. Unlicensed practice; violation; civil penalty.

15 (a) Any person who practices, offers to practice, attempts
16 to practice, or holds himself or herself out to practice
17 barbering, cosmetology, esthetics, ~~hair braiding~~, or nail
18 technology without being licensed under this Act shall, in
19 addition to any other penalty provided by law, pay a civil
20 penalty to the Department in an amount not to exceed \$5,000 for
21 each offense as determined by the Department. The civil penalty
22 shall be assessed by the Department after a hearing is held in
23 accordance with the provisions set forth in this Act regarding
24 disciplining a licensee.

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty. The
4 order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

7 (Source: P.A. 96-1246, eff. 1-1-11.)

8 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 1-10. Display. Every holder of a license shall display
11 it in a place in the holder's principal office, place of
12 business or place of employment. Whenever a licensed
13 cosmetologist, esthetician, nail technician, ~~hair braider,~~ or
14 barber practices cosmetology, esthetics, nail technology, ~~hair~~
15 ~~braiding,~~ or barbering outside of or away from the
16 cosmetologist's, esthetician's, nail technician's, ~~hair~~
17 ~~braider's,~~ or barber's principal office, place of business, or
18 place of employment, the cosmetologist, esthetician, nail
19 technician, ~~hair braider,~~ or barber shall provide any person so
20 requesting proof that he or she has a valid license issued by
21 the Department.

22 Every registered shop shall display its certificate of
23 registration at the location of the shop. Each shop where
24 barber, cosmetology, esthetics, ~~hair braiding,~~ or nail
25 technology services are provided shall have a certificate of

1 registration.

2 (Source: P.A. 99-427, eff. 8-21-15.)

3 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 1-11. Exceptions to Act.

6 (a) Nothing in this Act shall be construed to apply to the
7 educational activities conducted in connection with any
8 monthly, annual or other special educational program of any
9 bona fide association of licensed cosmetologists,
10 estheticians, nail technicians, ~~hair braiders,~~ or barbers, or
11 licensed cosmetology, esthetics, nail technology, ~~hair~~
12 ~~braiding,~~ or barber schools from which the general public is
13 excluded.

14 (b) Nothing in this Act shall be construed to apply to the
15 activities and services of registered nurses or licensed
16 practical nurses, as defined in the Nurse Practice Act, or to
17 personal care or health care services provided by individuals
18 in the performance of their duties as employed or authorized by
19 facilities or programs licensed or certified by State agencies.
20 As used in this subsection (b), "personal care" means
21 assistance with meals, dressing, movement, bathing, or other
22 personal needs or maintenance or general supervision and
23 oversight of the physical and mental well-being of an
24 individual who is incapable of maintaining a private,
25 independent residence or who is incapable of managing his or

1 her person whether or not a guardian has been appointed for
2 that individual. The definition of "personal care" as used in
3 this subsection (b) shall not otherwise be construed to negate
4 the requirements of this Act or its rules.

5 (c) Nothing in this Act shall be deemed to require
6 licensure of individuals employed by the motion picture, film,
7 television, stage play or related industry for the purpose of
8 providing cosmetology or esthetics services to actors of that
9 industry while engaged in the practice of cosmetology or
10 esthetics as a part of that person's employment.

11 (d) Nothing in this Act shall be deemed to require
12 licensure of an inmate of the Department of Corrections who
13 performs barbering or cosmetology with the approval of the
14 Department of Corrections during the person's incarceration.

15 (Source: P.A. 99-427, eff. 8-21-15.)

16 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 3-1. Cosmetology defined. Any one or any combination
19 of the following practices constitutes the practice of
20 cosmetology when done for cosmetic or beautifying purposes and
21 not for the treatment of disease or of muscular or nervous
22 disorder: arranging, braiding, dressing, cutting, trimming,
23 curling, waving, chemical restructuring, shaping, singeing,
24 bleaching, coloring or similar work, upon the hair of the head
25 or any cranial prosthesis; cutting or trimming facial hair of

1 any person; any practice of manicuring, pedicuring, decorating
2 nails, applying sculptured nails or otherwise artificial nails
3 by hand or with mechanical or electrical apparatus or
4 appliances, or in any way caring for the nails or the skin of
5 the hands or feet including massaging the hands, arms, elbows,
6 feet, lower legs, and knees of another person for other than
7 the treatment of medical disorders; any practice of epilation
8 or depilation of any person; any practice for the purpose of
9 cleansing, massaging or toning the skin of the scalp;
10 beautifying, massaging, cleansing, exfoliating, or stimulating
11 the stratum corneum of the epidermis by the use of cosmetic
12 preparations, body treatments, body wraps, the use of
13 hydrotherapy, or any device, electrical, mechanical, or
14 otherwise; applying make-up or eyelashes to any person or
15 lightening or coloring hair on the body and removing
16 superfluous hair from the body of any person by the use of
17 depilatories, waxing, threading, or tweezers. The term
18 "cosmetology" does not include the services provided by an
19 electrologist. Nail technology is the practice and the study of
20 cosmetology only to the extent of manicuring, pedicuring,
21 decorating, and applying sculptured or otherwise artificial
22 nails, or in any way caring for the nail or the skin of the
23 hands or feet including massaging the hands, arms, elbows,
24 feet, lower legs, and knees. Cosmetologists are prohibited from
25 using any technique, product, or practice intended to affect
26 the living layers of the skin. The term cosmetology includes

1 rendering advice on what is cosmetically appealing, but no
2 person licensed under this Act shall render advice on what is
3 appropriate medical treatment for diseases of the skin.
4 Purveyors of cosmetics may demonstrate such cosmetic products
5 in conjunction with any sales promotion and shall not be
6 required to hold a license under this Act. Nothing in this Act
7 shall be construed to prohibit the shampooing of hair by
8 persons employed for that purpose and who perform that task
9 under the direct supervision of a licensed cosmetologist or
10 licensed cosmetology teacher. Nothing in this Act shall be
11 construed to prohibit hair braiding by a person who only
12 provides hair braiding services and does not provide any other
13 services defined as cosmetology under this Act.

14 (Source: P.A. 98-911, eff. 1-1-15.)

15 (225 ILCS 410/Art. IIIB heading)

16 ARTICLE IIIB. BARBER, COSMETOLOGY, ESTHETICS, ~~HAIR BRAIDING,~~
17 AND NAIL TECHNOLOGY SCHOOLS

18 (Source: P.A. 98-911, eff. 1-1-15.)

19 (225 ILCS 410/3B-1) (from Ch. 111, par. 1703B-1)

20 (Section scheduled to be repealed on January 1, 2026)

21 Sec. 3B-1. Application. The provisions of this Article are
22 applicable only to barber, cosmetology, esthetics, ~~hair~~
23 ~~braiding,~~ and nail technology schools regulated under this Act.

24 (Source: P.A. 98-911, eff. 1-1-15.)

1 (225 ILCS 410/3B-10)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 3B-10. Requisites for ownership or operation of
4 school. No person, firm, or corporation may own, operate, or
5 conduct a school of barbering, cosmetology, esthetics, ~~hair~~
6 ~~braiding~~, or nail technology for the purpose of teaching
7 barbering, cosmetology, esthetics, ~~hair-braiding~~, or nail
8 technology for compensation unless licensed by the Department.
9 A licensed school is a postsecondary educational institution
10 authorized by the Department to provide a postsecondary
11 education program in compliance with the requirements of this
12 Act. An applicant shall apply to the Department on forms
13 provided by the Department, pay the required fees, and comply
14 with the following requirements:

15 1. The applicant must submit to the Department for
16 approval:

17 a. A floor plan, drawn to a scale specified on the
18 floor plan, showing every detail of the proposed
19 school; and

20 b. A lease commitment or proof of ownership for the
21 location of the proposed school; a lease commitment
22 must provide for execution of the lease upon the
23 Department's approval of the school's application and
24 the lease must be for a period of at least one year.

25 c. (Blank).

1 2. An application to own or operate a school shall
2 include the following:

3 a. If the owner is a corporation, a copy of the
4 Articles of Incorporation or, if the owner is a limited
5 liability company, a copy of the articles of
6 organization;

7 b. If the owner is a partnership, a listing of all
8 partners and their current addresses;

9 c. If the applicant is an owner, a completed
10 financial statement showing the owner's ability to
11 operate the school for at least 3 months;

12 d. A copy of the official enrollment agreement or
13 student contract to be used by the school, which shall
14 be consistent with the requirements of this Act and
15 rules;

16 e. A listing of all teachers who will be in the
17 school's employ, including their teacher license
18 numbers;

19 f. A copy of the curricula that will be followed;

20 g. The names, addresses, and current status of all
21 schools in which the applicant has previously owned any
22 interest, and a declaration as to whether any of these
23 schools were ever denied accreditation or licensing or
24 lost accreditation or licensing from any governmental
25 body or accrediting agency;

26 h. Each application for a certificate of approval

1 shall be signed and certified under oath by the
2 school's chief managing employee and also by its
3 individual owner or owners; if the applicant is a
4 partnership or a corporation, then the application
5 shall be signed and certified under oath by the
6 school's chief managing employee and also by each
7 member of the partnership or each officer of the
8 corporation, as the case may be;

9 i. A copy of the school's official transcript; and

10 j. The required fee.

11 3. Each application for a license to operate a school
12 shall also contain the following commitments:

13 a. To conduct the school in accordance with this
14 Act and the standards, and rules from time to time
15 adopted under this Act and to meet standards and
16 requirements at least as stringent as those required by
17 Part H of the Federal Higher Education Act of 1965.

18 b. To permit the Department to inspect the school
19 or classes thereof from time to time with or without
20 notice; and to make available to the Department, at any
21 time when required to do so, information including
22 financial information pertaining to the activities of
23 the school required for the administration of this Act
24 and the standards and rules adopted under this Act;

25 c. To utilize only advertising and solicitation
26 which is free from misrepresentation, deception,

1 fraud, or other misleading or unfair trade practices;

2 d. To screen applicants to the school prior to
3 enrollment pursuant to the requirements of the
4 school's regional or national accrediting agency, if
5 any, and to maintain any and all records of such
6 screening. If the course of instruction is offered in a
7 language other than English, the screening shall also
8 be performed in that language;

9 e. To post in a conspicuous place a statement,
10 developed by the Department, of student's rights
11 provided under this Act.

12 4. The applicant shall establish to the satisfaction of
13 the Department that the owner possesses sufficient liquid
14 assets to meet the prospective expenses of the school for a
15 period of 3 months. In the discretion of the Department,
16 additional proof of financial ability may be required.

17 5. The applicant shall comply with all rules of the
18 Department determining the necessary curriculum and
19 equipment required for the conduct of the school.

20 6. The applicant must demonstrate employment of a
21 sufficient number of qualified teachers who are holders of
22 a current license issued by the Department.

23 7. A final inspection of the barber, cosmetology,
24 esthetics, ~~hair braiding,~~ or nail technology school shall
25 be made by the Department before the school may commence
26 classes.

1 8. A written inspection report must be made by the
2 State Fire Marshal or a local fire authority approving the
3 use of the proposed premises as a barber, cosmetology,
4 esthetics, ~~hair braiding~~, or nail technology school.

5 (Source: P.A. 98-238, eff. 1-1-14; 98-911, eff. 1-1-15; 99-427,
6 eff. 8-21-15.)

7 (225 ILCS 410/3B-11)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 3B-11. Periodic review of barber, cosmetology,
10 esthetics, ~~hair braiding~~, and nail technology schools. All
11 approved schools and courses of instruction are subject to
12 review by the Department. The review shall include
13 consideration of a comparison between the graduation or
14 completion rate for the school and the graduation or completion
15 rate for the schools within that classification of schools.
16 Consideration shall be given to complaints and information
17 forwarded to the Department by the Federal Trade Commission,
18 Better Business Bureaus, the Illinois Attorney General's
19 Office, a State's Attorney's Office, other State or official
20 approval agencies, local school officials, and interested
21 persons. The Department shall investigate all complaints filed
22 with the Department about a school or its sales
23 representatives.

24 A school shall retain the records, as defined by rule, of a
25 student who withdraws from or drops out of the school, by

1 written notice of cancellation or otherwise, for any period
2 longer than 7 years from the student's first day of attendance.
3 However, a school shall retain indefinitely the transcript of
4 each student who completes the program and graduates from the
5 school.

6 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

7 (225 ILCS 410/3B-12)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 3B-12. Enrollment agreements.

10 (a) Enrollment agreements shall be used by barber,
11 cosmetology, esthetics, ~~hair braiding~~, and nail technology
12 schools licensed to operate by the Department and shall include
13 the following written disclosures:

14 (1) The name and address of the school and the
15 addresses where instruction will be given;

16 (2) The name and description of the course of
17 instruction, including the number of clock hours in each
18 course and an approximate number of weeks or months
19 required for completion;

20 (3) The scheduled starting date and calculated
21 completion date;

22 (4) The total cost of the course of instruction
23 including any charges made by the school for tuition,
24 books, materials, supplies, and other expenses;

25 (5) A clear and conspicuous statement that the contract

1 is a legally binding instrument when signed by the student
2 and accepted by the school;

3 (6) A clear and conspicuous caption, "BUYER'S RIGHT TO
4 CANCEL" under which it is explained that the student has
5 the right to cancel the initial enrollment agreement until
6 midnight of the fifth business day after the student has
7 been enrolled; and if notice of the right to cancel is not
8 given to any prospective student at the time the enrollment
9 agreement is signed, then the student has the right to
10 cancel the agreement at any time and receive a refund of
11 all monies paid to date within 10 days of cancellation;

12 (7) A notice to the students that the cancellation must
13 be in writing and given to the registered agent, if any, or
14 managing employee of the school;

15 (8) The school's refund policy for unearned tuition,
16 fees, and other charges;

17 (9) The date of the student's signature and the date of
18 the student's admission;

19 (10) The name of the school employee or agent
20 responsible for procuring, soliciting, or enrolling the
21 student;

22 (11) A clear statement that the institution does not
23 guarantee employment and a statement describing the
24 school's placement assistance procedures;

25 (12) The graduation requirements of the school;

26 (13) The contents of the following notice, in at least

1 10 point bold type:

2 "NOTICE TO THE STUDENT"

3 "Do not sign this contract before you read it or if it
4 contains any blank space. You are entitled to an exact copy
5 of the contract you sign."

6 (14) A statement either in the enrollment agreement or
7 separately provided and acknowledged by the student
8 indicating the number of students who did not complete the
9 course of instruction for which they enrolled for the past
10 calendar year as compared to the number of students who
11 enrolled in school during the school's past calendar year;

12 (15) The following clear and conspicuous caption:
13 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE
14 DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION", set
15 forth with the address and telephone number of the
16 Department's Complaint Intake Unit.

17 (b) If the enrollment is negotiated orally in a language
18 other than English, then copies of the above disclosures shall
19 be tendered in the language in which the contract was
20 negotiated prior to executing the enrollment agreement.

21 (c) The school shall comply with all applicable
22 requirements of the Retail Installment Sales Act in its
23 enrollment agreement or student contracts.

24 (d) No enrollment agreement or student contract shall
25 contain a wage assignment provision or a confession of judgment
26 clause.

1 (e) Any provision in an enrollment agreement or student
2 contract that purports to waive the student's right to assert
3 against the school, or any assignee, any claim or defense he or
4 she may have against the school arising under the contract
5 shall be void.

6 (f) Two copies of the enrollment agreement shall be signed
7 by the student. One copy shall be given to the student and the
8 school shall retain the other copy as part of the student's
9 permanent record.

10 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

11 (225 ILCS 410/3B-15)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 3B-15. Grounds for disciplinary action. In addition to
14 any other cause herein set forth the Department may refuse to
15 issue or renew and may suspend, place on probation, or revoke
16 any license to operate a school, or take any other disciplinary
17 or non-disciplinary action that the Department may deem proper,
18 including the imposition of fines not to exceed \$5,000 for each
19 violation, for any one or any combination of the following
20 causes:

21 (1) Repeated violation of any provision of this Act or
22 any standard or rule established under this Act.

23 (2) Knowingly furnishing false, misleading, or
24 incomplete information to the Department or failure to
25 furnish information requested by the Department.

1 (3) Violation of any commitment made in an application
2 for a license, including failure to maintain standards that
3 are the same as, or substantially equivalent to, those
4 represented in the school's applications and advertising.

5 (4) Presenting to prospective students information
6 relating to the school, or to employment opportunities or
7 opportunities for enrollment in institutions of higher
8 learning after entering into or completing courses offered
9 by the school, that is false, misleading, or fraudulent.

10 (5) Failure to provide premises or equipment or to
11 maintain them in a safe and sanitary condition as required
12 by law.

13 (6) Failure to maintain financial resources adequate
14 for the satisfactory conduct of the courses of instruction
15 offered or to retain a sufficient and qualified
16 instructional and administrative staff.

17 (7) Refusal to admit applicants on account of race,
18 color, creed, sex, physical or mental disability unrelated
19 to ability, religion, or national origin.

20 (8) Paying a commission or valuable consideration to
21 any person for acts or services performed in violation of
22 this Act.

23 (9) Attempting to confer a fraudulent degree, diploma,
24 or certificate upon a student.

25 (10) Failure to correct any deficiency or act of
26 noncompliance under this Act or the standards and rules

1 established under this Act within reasonable time limits
2 set by the Department.

3 (11) Conduct of business or instructional services
4 other than at locations approved by the Department.

5 (12) Failure to make all of the disclosures or making
6 inaccurate disclosures to the Department or in the
7 enrollment agreement as required under this Act.

8 (13) Failure to make appropriate refunds as required by
9 this Act.

10 (14) Denial, loss, or withdrawal of accreditation by
11 any accrediting agency.

12 (15) During any calendar year, having a failure rate of
13 25% or greater for those of its students who for the first
14 time take the examination authorized by the Department to
15 determine fitness to receive a license as a barber, barber
16 teacher, cosmetologist, cosmetology teacher, esthetician,
17 esthetician teacher, ~~hair braider, hair braiding teacher,~~
18 nail technician, or nail technology teacher, provided that
19 a student who transfers into the school having completed
20 50% or more of the required program and who takes the
21 examination during that calendar year shall not be counted
22 for purposes of determining the school's failure rate on an
23 examination, without regard to whether that transfer
24 student passes or fails the examination.

25 (16) Failure to maintain a written record indicating
26 the funds received per student and funds paid out per

1 student. Such records shall be maintained for a minimum of
2 7 years and shall be made available to the Department upon
3 request. Such records shall identify the funding source and
4 amount for any student who has enrolled as well as any
5 other item set forth by rule.

6 (17) Failure to maintain a copy of the student record
7 as defined by rule.

8 (Source: P.A. 98-911, eff. 1-1-15; 99-143, eff. 7-27-15.)

9 (225 ILCS 410/3B-16)

10 (Section scheduled to be repealed on January 1, 2026)

11 Sec. 3B-16. Department of Corrections. The Secretary may
12 waive any requirement of this Act or of the rules enacted by
13 the Department pursuant to this Act pertaining to the operation
14 of a barber, cosmetology, esthetics, ~~hair braiding,~~ or nail
15 technology school owned or operated by the Department of
16 Corrections and located in a correctional facility to educate
17 inmates that is inconsistent with the mission or operations of
18 the Department of Corrections or is detrimental to the safety
19 and security of any correctional facility. Nothing in this
20 Section 3B-16 exempts the Department of Corrections from the
21 necessity of licensure.

22 (Source: P.A. 98-911, eff. 1-1-15.)

23 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

24 (Section scheduled to be repealed on January 1, 2026)

1 Sec. 3C-8. License renewal; expiration; continuing
2 education; persons in military service. The holder of a license
3 issued under this Article may renew that license during the
4 month preceding the expiration date of the license by paying
5 the required fee and giving evidence, as the Department may
6 prescribe, of completing not less than 10 hours of continuing
7 education for a nail technician and 20 hours of continuing
8 education for a nail technology teacher, within the 2 years
9 prior to renewal. The continuing education shall be in subjects
10 approved by the Department upon recommendation of the Barber,
11 Cosmetology, Esthetics, ~~Hair Braiding~~, and Nail Technology
12 Board relating to the practice of nail technology, including,
13 but not limited to, review of sanitary procedures, review of
14 chemical service procedures, review of this Act, and review of
15 the Workers' Compensation Act. However, at least 10 of the
16 hours of continuing education required for a nail technology
17 teacher shall be in subjects relating to teaching methodology,
18 educational psychology, and classroom management or in other
19 subjects related to teaching.

20 For the initial renewal of a nail technician's license
21 which requires continuing education, as prescribed by rule, one
22 hour of the continuing education shall include domestic
23 violence and sexual assault awareness education as prescribed
24 by rule of the Department. For every subsequent renewal of a
25 nail technician's license, one hour of the continuing education
26 may include domestic violence and sexual assault awareness

1 education as prescribed by rule of the Department. The one-hour
2 domestic violence and sexual assault awareness continuing
3 education course shall be provided by a continuing education
4 provider approved by the Department, except that completion
5 from March 12, 2016 to March 15, 2016 of a one-hour domestic
6 violence and sexual assault awareness course from a domestic
7 violence and sexual assault awareness organization shall
8 satisfy this requirement.

9 The Department may prescribe rules regarding the
10 requirements for domestic violence and sexual assault
11 awareness continuing education courses and teachers.

12 The Department, in its discretion, may waive enforcement of
13 the continuing education requirement in this Section,
14 including the domestic violence and sexual assault awareness
15 education requirement, and shall adopt rules defining the
16 standards and criteria for such waiver, under the following
17 circumstances:

18 (a) the licensee resides in a locality where it is
19 demonstrated that the absence of opportunities for such
20 education would interfere with the ability of the licensee
21 to provide service to the public;

22 (b) the licensee's compliance with the continuing
23 education requirements would cause a substantial financial
24 hardship on the licensee;

25 (c) the licensee is serving in the United States Armed
26 Forces; or

1 (d) the licensee is incapacitated due to illness.
2 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;
3 99-766, eff. 1-1-17.)

4 (225 ILCS 410/Art. IIID heading)

5 ARTICLE IIID. COSMETOLOGY, ESTHETICS, ~~HAIR-BRAIDING,~~
6 AND NAIL TECHNOLOGY SALONS AND BARBER SHOPS
7 (Source: P.A. 96-1246, eff. 1-1-11.)

8 (225 ILCS 410/3D-5)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 3D-5. Requisites for ownership or operation of
11 cosmetology, esthetics, ~~hair-braiding,~~ and nail technology
12 salons and barber shops.

13 (a) No person, firm, partnership, limited liability
14 company, or corporation shall own or operate a cosmetology,
15 esthetics, ~~hair-braiding,~~ or nail technology salon or barber
16 shop or employ, rent space to, or independently contract with
17 any licensee under this Act without applying on forms provided
18 by the Department for a certificate of registration.

19 (b) The application for a certificate of registration under
20 this Section shall set forth the name, address, and telephone
21 number of the proposed cosmetology, esthetics, ~~hair-braiding,~~
22 or nail technology salon or barber shop; the name, address, and
23 telephone number of the person, firm, partnership, or
24 corporation that is to own or operate the salon or shop; and,

1 if the salon or shop is to be owned or operated by an entity
2 other than an individual, the name, address, and telephone
3 number of the managing partner or the chief executive officer
4 of the corporation or other entity that owns or operates the
5 salon or shop.

6 (c) The Department shall be notified by the owner or
7 operator of a salon or shop that is moved to a new location. If
8 there is a change in the ownership or operation of a salon or
9 shop, the new owner or operator shall report that change to the
10 Department along with completion of any additional
11 requirements set forth by rule.

12 (d) If a person, firm, partnership, limited liability
13 company, or corporation owns or operates more than one shop or
14 salon, a separate certificate of registration must be obtained
15 for each salon or shop.

16 (e) A certificate of registration granted under this
17 Section may be revoked in accordance with the provisions of
18 Article IV and the holder of the certificate may be otherwise
19 disciplined by the Department in accordance with rules adopted
20 under this Act.

21 (f) The Department may promulgate rules to establish
22 additional requirements for owning or operating a salon or
23 shop.

24 (g) The requirement of a certificate of registration as set
25 forth in this Section shall also apply to any person, firm,
26 partnership, limited liability company, or corporation

1 providing barbering, cosmetology, esthetics, ~~hair braiding,~~ or
2 nail technology services at any location not owned or rented by
3 such person, firm, partnership, limited liability company, or
4 corporation for these purposes or from a mobile shop or salon.
5 Notwithstanding any provision of this Section, applicants for a
6 certificate of registration under this subsection (g) shall
7 report in its application the address and telephone number of
8 its office and shall not be required to report the location
9 where services are or will be rendered. Nothing in this
10 subsection (g) shall apply to a sole proprietor who has no
11 employees or contractors and is not operating a mobile shop or
12 salon.

13 (Source: P.A. 99-427, eff. 8-21-15.)

14 (225 ILCS 410/4-1)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 4-1. Powers and duties of Department. The Department
17 shall exercise, subject to the provisions of this Act, the
18 following functions, powers and duties:

19 (1) To cause to be conducted examinations to ascertain
20 the qualifications and fitness of applicants for licensure
21 as cosmetologists, estheticians, nail technicians, ~~hair~~
22 ~~braiders,~~ or barbers and as cosmetology, esthetics, nail
23 technology, ~~hair braiding,~~ or barber teachers.

24 (2) To determine the qualifications for licensure as

25 (i) a cosmetologist, esthetician, nail technician, ~~hair~~

1 ~~braider,~~ or barber, or (ii) a cosmetology, esthetics, nail
2 technology, ~~hair braiding,~~ or barber teacher, or (iii) a
3 cosmetology clinic teacher for persons currently holding
4 similar licenses outside the State of Illinois or the
5 continental U.S.

6 (3) To prescribe rules for:

7 (i) The method of examination of candidates for
8 licensure as a cosmetologist, esthetician, nail
9 technician, ~~hair braider,~~ or barber or cosmetology,
10 esthetics, nail technology, ~~hair braiding,~~ or barber
11 teacher.

12 (ii) Minimum standards as to what constitutes an
13 approved cosmetology, esthetics, nail technology, ~~hair~~
14 ~~braiding,~~ or barber school.

15 (4) To conduct investigations or hearings on
16 proceedings to determine disciplinary action.

17 (5) To prescribe reasonable rules governing the
18 sanitary regulation and inspection of cosmetology,
19 esthetics, nail technology, ~~hair braiding,~~ or barber
20 schools, salons, or shops.

21 (6) To prescribe reasonable rules for the method of
22 renewal for each license as a cosmetologist, esthetician,
23 nail technician, ~~hair braider,~~ or barber or cosmetology,
24 esthetics, nail technology, ~~hair braiding,~~ or barber
25 teacher or cosmetology clinic teacher.

26 (7) To prescribe reasonable rules for the method of

1 registration, the issuance, fees, renewal and discipline
2 of a certificate of registration for the ownership or
3 operation of cosmetology, esthetics, ~~hair braiding~~, and
4 nail technology salons and barber shops.

5 (8) To adopt rules concerning sanitation requirements,
6 requirements for education on sanitation, and any other
7 health concerns associated with threading.

8 (Source: P.A. 97-333, eff. 8-12-11; 98-911, eff. 1-1-15.)

9 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

10 (Section scheduled to be repealed on January 1, 2026)

11 Sec. 4-2. The Barber, Cosmetology, Esthetics, ~~Hair~~
12 ~~Braiding~~, and Nail Technology Board. There is established
13 within the Department the Barber, Cosmetology, Esthetics, ~~Hair~~
14 ~~Braiding~~, and Nail Technology Board, composed of 10 ~~11~~ persons,
15 which shall serve in an advisory capacity to the Secretary in
16 all matters related to the practice of barbering, cosmetology,
17 esthetics, ~~hair braiding~~, and nail technology.

18 The 10 ~~11~~ members of the Board shall be appointed as
19 follows: 6 licensed cosmetologists, all of whom hold a current
20 license as a cosmetologist or cosmetology teacher and, for
21 appointments made after the effective date of this amendatory
22 Act of 1996, at least 2 of whom shall be an owner of or a major
23 stockholder in a school of cosmetology, 2 of whom shall be
24 representatives of either a franchiser or an owner operating
25 salons in 2 or more locations within the State, one of whom

1 shall be an independent salon owner, and no one of the
2 cosmetologist members shall be a manufacturer, jobber, or
3 stockholder in a factory of cosmetology articles or an
4 immediate family member of any of the above; one of whom shall
5 be a barber holding a current license; one member who shall be
6 a licensed esthetician or esthetics teacher; one member who
7 shall be a licensed nail technician or nail technology teacher;
8 ~~one member who shall be a licensed hair braider or hair~~
9 ~~braiding teacher;~~ and one public member who holds no licenses
10 issued by the Department. The Secretary shall give due
11 consideration for membership to recommendations by members of
12 the professions and by their professional organizations.
13 Members shall serve 4 year terms and until their successors are
14 appointed and qualified. No member shall be reappointed to the
15 Board for more than 2 terms. Appointments to fill vacancies
16 shall be made in the same manner as original appointments for
17 the unexpired portion of the vacated term. Members of the Board
18 in office on the effective date of this amendatory Act of 1996
19 shall continue to serve for the duration of the terms to which
20 they have been appointed, but beginning on that effective date
21 all appointments of licensed cosmetologists and barbers to
22 serve as members of the Board shall be made in a manner that
23 will effect at the earliest possible date the changes made by
24 this amendatory Act of 1996 in the representative composition
25 of the Board.

26 ~~For the initial appointment of a member who shall be a hair~~

1 ~~braider or hair braiding teacher to the Board, such individual~~
2 ~~shall not be required to possess a license at the time of~~
3 ~~appointment, but shall have at least 5 years active practice in~~
4 ~~the field of hair braiding and shall obtain a license as a hair~~
5 ~~braider or a hair braiding teacher within 18 months after~~
6 ~~appointment to the Board.~~

7 Six members of the Board shall constitute a quorum. A
8 majority is required for Board decisions.

9 The Board shall elect a chairperson and a vice chairperson
10 annually.

11 Board members are not liable for their acts, omissions,
12 decisions, or other conduct in connection with their duties on
13 the Board, except those determined to be willful, wanton, or
14 intentional misconduct.

15 (Source: P.A. 99-427, eff. 8-21-15.)

16 (225 ILCS 410/4-4) (from Ch. 111, par. 1704-4)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 4-4. Issuance of license. Whenever the provisions of
19 this Act have been complied with, the Department shall issue a
20 license as a cosmetologist, esthetician, nail technician, ~~hair~~
21 ~~braider,~~ or barber, a license as a cosmetology, esthetics, nail
22 technology, ~~hair braiding,~~ or barber teacher, or a license as a
23 cosmetology clinic teacher as the case may be.

24 (Source: P.A. 98-911, eff. 1-1-15.)

1 (225 ILCS 410/4-6.1)

2 Sec. 4-6.1. Applicant convictions.

3 (a) When reviewing a conviction by plea of guilty or nolo
4 contendere, finding of guilt, jury verdict, or entry of
5 judgment or by sentencing of an initial applicant, the
6 Department may only deny a license based upon consideration of
7 mitigating factors provided in subsection (c) of this Section
8 for a felony directly related to the practice of cosmetology,
9 esthetics, ~~hair braiding~~, nail technology, and barbering.

10 (b) The following crimes or similar offenses in any other
11 jurisdiction are hereby deemed directly related to the practice
12 of cosmetology, esthetics, ~~hair braiding~~, nail technology, and
13 barbering:

- 14 (1) first degree murder;
- 15 (2) second degree murder;
- 16 (3) drug induced homicide;
- 17 (4) unlawful restraint;
- 18 (5) aggravated unlawful restraint;
- 19 (6) forcible detention;
- 20 (7) involuntary servitude;
- 21 (8) involuntary sexual servitude of a minor;
- 22 (9) predatory criminal sexual assault of a child;
- 23 (10) aggravated criminal sexual assault;
- 24 (11) criminal sexual assault;
- 25 (12) criminal sexual abuse;
- 26 (13) aggravated kidnaping;

- 1 (14) aggravated robbery;
- 2 (15) armed robbery;
- 3 (16) kidnapping;
- 4 (17) aggravated battery;
- 5 (18) aggravated vehicular hijacking;
- 6 (19) terrorism;
- 7 (20) causing a catastrophe;
- 8 (21) possession of a deadly substance;
- 9 (22) making a terrorist threat;
- 10 (23) material support for terrorism;
- 11 (24) hindering prosecution of terrorism;
- 12 (25) armed violence;
- 13 (26) any felony based on consumer fraud or deceptive
14 business practices under the Consumer Fraud and Deceptive
15 Business Practices Act;
- 16 (27) any felony requiring registration as a sex
17 offender under the Sex Offender Registration Act;
- 18 (28) attempt of any the offenses set forth in
19 paragraphs (1) through (27) of this subsection (b); and
- 20 (29) convictions set forth in Section 4-20 of this Act.
- 21 (c) The Department shall consider any mitigating factors
22 contained in the record, when determining the appropriate
23 disciplinary sanction, if any, to be imposed. In addition to
24 those set forth in Section 2105-130 of the Department of
25 Professional Regulation Law of the Civil Administrative Code of
26 Illinois, mitigating factors shall include the following:

1 (1) the bearing, if any, the criminal offense or
2 offenses for which the person was previously convicted will
3 have on his or her fitness or ability to perform one or
4 more such duties and responsibilities;

5 (2) the time that has elapsed since the criminal
6 conviction; and

7 (3) the age of the person at the time of the criminal
8 conviction.

9 (d) The Department shall issue an annual report by January
10 31, 2018 and by January 31 each year thereafter, indicating the
11 following:

12 (1) the number of initial applicants for a license
13 under this Act within the preceding calendar year;

14 (2) the number of initial applicants for a license
15 under this Act within the previous calendar year who had a
16 conviction;

17 (3) the number of applicants with a conviction who were
18 granted a license under this Act within the previous year;

19 (4) the number of applicants denied a license under
20 this Act within the preceding calendar year; and

21 (5) the number of applicants denied a license under
22 this Act solely on the basis of a conviction within the
23 preceding calendar year.

24 (e) Nothing in this Section shall prevent the Department
25 taking disciplinary or non-disciplinary action against a
26 license as set forth in paragraph (2) of subsection (1) of

1 Section 4-7 of this Act.

2 (Source: P.A. 99-876, eff. 1-1-17.)

3 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 4-7. Refusal, suspension and revocation of licenses;
6 causes; disciplinary action.

7 (1) The Department may refuse to issue or renew, and may
8 suspend, revoke, place on probation, reprimand or take any
9 other disciplinary or non-disciplinary action as the
10 Department may deem proper, including civil penalties not to
11 exceed \$500 for each violation, with regard to any license for
12 any one, or any combination, of the following causes:

13 a. For licensees, conviction of any crime under the
14 laws of the United States or any state or territory thereof
15 that is (i) a felony, (ii) a misdemeanor, an essential
16 element of which is dishonesty, or (iii) a crime which is
17 related to the practice of the profession and, for initial
18 applicants, convictions set forth in Section 4-6.1 of this
19 Act.

20 b. Conviction of any of the violations listed in
21 Section 4-20.

22 c. Material misstatement in furnishing information to
23 the Department.

24 d. Making any misrepresentation for the purpose of
25 obtaining a license or violating any provision of this Act

1 or its rules.

2 e. Aiding or assisting another person in violating any
3 provision of this Act or its rules.

4 f. Failing, within 60 days, to provide information in
5 response to a written request made by the Department.

6 g. Discipline by another state, territory, or country
7 if at least one of the grounds for the discipline is the
8 same as or substantially equivalent to those set forth in
9 this Act.

10 h. Practice in the barber, nail technology, esthetics,
11 ~~hair braiding,~~ or cosmetology profession, or an attempt to
12 practice in those professions, by fraudulent
13 misrepresentation.

14 i. Gross malpractice or gross incompetency.

15 j. Continued practice by a person knowingly having an
16 infectious or contagious disease.

17 k. Solicitation of professional services by using
18 false or misleading advertising.

19 l. A finding by the Department that the licensee, after
20 having his or her license placed on probationary status,
21 has violated the terms of probation.

22 m. Directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership or association
24 any fee, commission, rebate, or other form of compensation
25 for any professional services not actually or personally
26 rendered.

1 n. Violating any of the provisions of this Act or rules
2 adopted pursuant to this Act.

3 o. Willfully making or filing false records or reports
4 relating to a licensee's practice, including but not
5 limited to, false records filed with State agencies or
6 departments.

7 p. Habitual or excessive use or addiction to alcohol,
8 narcotics, stimulants, or any other chemical agent or drug
9 that results in the inability to practice with reasonable
10 judgment, skill or safety.

11 q. Engaging in dishonorable, unethical or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public as may be defined by rules of
14 the Department, or violating the rules of professional
15 conduct which may be adopted by the Department.

16 r. Permitting any person to use for any unlawful or
17 fraudulent purpose one's diploma or license or certificate
18 of registration as a cosmetologist, nail technician,
19 esthetician, ~~hair braider,~~ or barber or cosmetology, nail
20 technology, esthetics, ~~hair braiding,~~ or barber teacher or
21 salon or shop or cosmetology clinic teacher.

22 s. Being named as a perpetrator in an indicated report
23 by the Department of Children and Family Services under the
24 Abused and Neglected Child Reporting Act and upon proof by
25 clear and convincing evidence that the licensee has caused
26 a child to be an abused child or neglected child as defined

1 in the Abused and Neglected Child Reporting Act.

2 t. Operating a salon or shop without a valid
3 registration.

4 u. Failure to complete required continuing education
5 hours.

6 (2) In rendering an order, the Secretary shall take into
7 consideration the facts and circumstances involving the type of
8 acts or omissions in paragraph (1) of this Section including,
9 but not limited to:

10 (a) the extent to which public confidence in the
11 cosmetology, nail technology, esthetics, ~~hair braiding~~, or
12 barbering profession was, might have been, or may be,
13 injured;

14 (b) the degree of trust and dependence among the
15 involved parties;

16 (c) the character and degree of harm which did result
17 or might have resulted;

18 (d) the intent or mental state of the licensee at the
19 time of the acts or omissions.

20 (3) The Department may reissue the license or registration
21 upon certification by the Board that the disciplined licensee
22 or registrant has complied with all of the terms and conditions
23 set forth in the final order or has been sufficiently
24 rehabilitated to warrant the public trust.

25 (4) The Department shall refuse to issue or renew or
26 suspend without hearing the license or certificate of

1 registration of any person who fails to file a return, or to
2 pay the tax, penalty or interest shown in a filed return, or to
3 pay any final assessment of tax, penalty or interest, as
4 required by any tax Act administered by the Illinois Department
5 of Revenue, until such time as the requirements of any such tax
6 Act are satisfied as determined by the Department of Revenue.

7 (5) (Blank).

8 (6) All fines imposed under this Section shall be paid
9 within 60 days after the effective date of the order imposing
10 the fine or in accordance with the terms set forth in the order
11 imposing the fine.

12 (Source: P.A. 99-427, eff. 8-21-15; 99-876, eff. 1-1-17;
13 100-872, eff. 8-14-18.)

14 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 4-9. Practice without a license or after suspension or
17 revocation thereof.

18 (a) If any person violates the provisions of this Act, the
19 Secretary may, in the name of the People of the State of
20 Illinois, through the Attorney General of the State of
21 Illinois, petition, for an order enjoining such violation or
22 for an order enforcing compliance with this Act. Upon the
23 filing of a verified petition in such court, the court may
24 issue a temporary restraining order, without notice or bond,
25 and may preliminarily and permanently enjoin such violation,

1 and if it is established that such person has violated or is
2 violating the injunction, the Court may punish the offender for
3 contempt of court. Proceedings under this Section shall be in
4 addition to, and not in lieu of, all other remedies and
5 penalties provided by this Act.

6 (b) If any person shall practice as a barber,
7 cosmetologist, nail technician, ~~hair braider,~~ or esthetician,
8 or teacher thereof or cosmetology clinic teacher or hold
9 himself or herself out as such without being licensed under the
10 provisions of this Act, any licensee, any interested party, or
11 any person injured thereby may, in addition to the Secretary,
12 petition for relief as provided in subsection (a) of this
13 Section.

14 (c) Whenever in the opinion of the Department any person,
15 firm, corporation, or other legal entity has violated any
16 provision of Section 1-7 or 3D-5 of this Act, the Department
17 may issue a rule to show cause why an order to cease and desist
18 should not be entered against that person, firm, corporation,
19 or legal entity. The rule shall clearly set forth the grounds
20 relied upon by the Department and shall provide a period of 7
21 days from the date of the rule to file an answer to the
22 satisfaction of the Department. Failure to answer to the
23 satisfaction of the Department shall cause an order to cease
24 and desist to be issued immediately.

25 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

1 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 4-19. Emergency suspension. The Secretary may
4 temporarily suspend the license of a barber, cosmetologist,
5 nail technician, ~~hair braider~~, esthetician or teacher thereof
6 or of a cosmetology clinic teacher without a hearing,
7 simultaneously with the institution of proceedings for a
8 hearing provided for in Section 4-10 of this Act, if the
9 Secretary finds that evidence in his possession indicates that
10 the licensee's continuation in practice would constitute an
11 imminent danger to the public. In the event that the Secretary
12 suspends, temporarily, this license without a hearing, a
13 hearing must be commenced within 30 days after such suspension
14 has occurred.

15 (Source: P.A. 98-911, eff. 1-1-15.)

16 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 4-20. Violations; penalties. Whoever violates any of
19 the following shall, for the first offense, be guilty of a
20 Class B misdemeanor; for the second offense, shall be guilty of
21 a Class A misdemeanor; and for all subsequent offenses, shall
22 be guilty of a Class 4 felony and be fined not less than \$1,000
23 or more than \$5,000.

24 (1) The practice of cosmetology, nail technology,
25 esthetics, ~~hair braiding~~, or barbering or an attempt to

1 practice cosmetology, nail technology, esthetics, ~~hair~~
2 ~~braiding~~, or barbering without a license as a cosmetologist,
3 nail technician, esthetician, ~~hair braider~~, or barber; or the
4 practice or attempt to practice as a cosmetology, nail
5 technology, esthetics, ~~hair braiding~~, or barber teacher
6 without a license as a cosmetology, nail technology, esthetics,
7 ~~hair braiding~~, or barber teacher; or the practice or attempt to
8 practice as a cosmetology clinic teacher without a proper
9 license.

10 (2) The obtaining of or an attempt to obtain a license or
11 money or any other thing of value by fraudulent
12 misrepresentation.

13 (3) Practice in the barber, nail technology, cosmetology,
14 ~~hair braiding~~, or esthetic profession, or an attempt to
15 practice in those professions, by fraudulent
16 misrepresentation.

17 (4) Wilfully making any false oath or affirmation whenever
18 an oath or affirmation is required by this Act.

19 (5) The violation of any of the provisions of this Act.

20 (Source: P.A. 98-911, eff. 1-1-15.)

21 (225 ILCS 410/Art. IIIIE rep.)

22 Section 20. The Barber, Cosmetology, Esthetics, Hair
23 Braiding, and Nail Technology Act of 1985 is amended by
24 repealing Article IIIIE.

1 Section 25. The Unified Code of Corrections is amended by
2 changing Section 5-5-5 as follows:

3 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

4 Sec. 5-5-5. Loss and restoration of rights.

5 (a) Conviction and disposition shall not entail the loss by
6 the defendant of any civil rights, except under this Section
7 and Sections 29-6 and 29-10 of The Election Code, as now or
8 hereafter amended.

9 (b) A person convicted of a felony shall be ineligible to
10 hold an office created by the Constitution of this State until
11 the completion of his sentence.

12 (c) A person sentenced to imprisonment shall lose his right
13 to vote until released from imprisonment.

14 (d) On completion of sentence of imprisonment or upon
15 discharge from probation, conditional discharge or periodic
16 imprisonment, or at any time thereafter, all license rights and
17 privileges granted under the authority of this State which have
18 been revoked or suspended because of conviction of an offense
19 shall be restored unless the authority having jurisdiction of
20 such license rights finds after investigation and hearing that
21 restoration is not in the public interest. This paragraph (d)
22 shall not apply to the suspension or revocation of a license to
23 operate a motor vehicle under the Illinois Vehicle Code.

24 (e) Upon a person's discharge from incarceration or parole,
25 or upon a person's discharge from probation or at any time

1 thereafter, the committing court may enter an order certifying
2 that the sentence has been satisfactorily completed when the
3 court believes it would assist in the rehabilitation of the
4 person and be consistent with the public welfare. Such order
5 may be entered upon the motion of the defendant or the State or
6 upon the court's own motion.

7 (f) Upon entry of the order, the court shall issue to the
8 person in whose favor the order has been entered a certificate
9 stating that his behavior after conviction has warranted the
10 issuance of the order.

11 (g) This Section shall not affect the right of a defendant
12 to collaterally attack his conviction or to rely on it in bar
13 of subsequent proceedings for the same offense.

14 (h) No application for any license specified in subsection
15 (i) of this Section granted under the authority of this State
16 shall be denied by reason of an eligible offender who has
17 obtained a certificate of relief from disabilities, as defined
18 in Article 5.5 of this Chapter, having been previously
19 convicted of one or more criminal offenses, or by reason of a
20 finding of lack of "good moral character" when the finding is
21 based upon the fact that the applicant has previously been
22 convicted of one or more criminal offenses, unless:

23 (1) there is a direct relationship between one or more
24 of the previous criminal offenses and the specific license
25 sought; or

26 (2) the issuance of the license would involve an

1 unreasonable risk to property or to the safety or welfare
2 of specific individuals or the general public.

3 In making such a determination, the licensing agency shall
4 consider the following factors:

5 (1) the public policy of this State, as expressed in
6 Article 5.5 of this Chapter, to encourage the licensure and
7 employment of persons previously convicted of one or more
8 criminal offenses;

9 (2) the specific duties and responsibilities
10 necessarily related to the license being sought;

11 (3) the bearing, if any, the criminal offenses or
12 offenses for which the person was previously convicted will
13 have on his or her fitness or ability to perform one or
14 more such duties and responsibilities;

15 (4) the time which has elapsed since the occurrence of
16 the criminal offense or offenses;

17 (5) the age of the person at the time of occurrence of
18 the criminal offense or offenses;

19 (6) the seriousness of the offense or offenses;

20 (7) any information produced by the person or produced
21 on his or her behalf in regard to his or her rehabilitation
22 and good conduct, including a certificate of relief from
23 disabilities issued to the applicant, which certificate
24 shall create a presumption of rehabilitation in regard to
25 the offense or offenses specified in the certificate; and

26 (8) the legitimate interest of the licensing agency in

1 protecting property, and the safety and welfare of specific
2 individuals or the general public.

3 (i) A certificate of relief from disabilities shall be
4 issued only for a license or certification issued under the
5 following Acts:

6 (1) the Animal Welfare Act; except that a certificate
7 of relief from disabilities may not be granted to provide
8 for the issuance or restoration of a license under the
9 Animal Welfare Act for any person convicted of violating
10 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
11 Care for Animals Act or Section 26-5 or 48-1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012;

13 (2) the Illinois Athletic Trainers Practice Act;

14 (3) the Barber, Cosmetology, Esthetics, ~~Hair Braiding,~~
15 and Nail Technology Act of 1985;

16 (4) the Boiler and Pressure Vessel Repairer Regulation
17 Act;

18 (5) the Boxing and Full-contact Martial Arts Act;

19 (6) the Illinois Certified Shorthand Reporters Act of
20 1984;

21 (7) the Illinois Farm Labor Contractor Certification
22 Act;

23 (8) the Registered Interior Designers Act;

24 (9) the Illinois Professional Land Surveyor Act of
25 1989;

26 (10) the Illinois Landscape Architecture Act of 1989;

- 1 (11) the Marriage and Family Therapy Licensing Act;
- 2 (12) the Private Employment Agency Act;
- 3 (13) the Professional Counselor and Clinical
- 4 Professional Counselor Licensing and Practice Act;
- 5 (14) the Real Estate License Act of 2000;
- 6 (15) the Illinois Roofing Industry Licensing Act;
- 7 (16) the Professional Engineering Practice Act of
- 8 1989;
- 9 (17) the Water Well and Pump Installation Contractor's
- 10 License Act;
- 11 (18) the Electrologist Licensing Act;
- 12 (19) the Auction License Act;
- 13 (20) the Illinois Architecture Practice Act of 1989;
- 14 (21) the Dietitian Nutritionist Practice Act;
- 15 (22) the Environmental Health Practitioner Licensing
- 16 Act;
- 17 (23) the Funeral Directors and Embalmers Licensing
- 18 Code;
- 19 (24) (blank);
- 20 (25) the Professional Geologist Licensing Act;
- 21 (26) the Illinois Public Accounting Act; and
- 22 (27) the Structural Engineering Practice Act of 1989.

23 (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)

24 Section 30. The Human Trafficking Resource Center Notice
25 Act is amended by changing Section 5 as follows:

1 (775 ILCS 50/5)

2 Sec. 5. Posted notice required.

3 (a) Each of the following businesses and other
4 establishments shall, upon the availability of the model notice
5 described in Section 15 of this Act, post a notice that
6 complies with the requirements of this Act in a conspicuous
7 place near the public entrance of the establishment or in
8 another conspicuous location in clear view of the public and
9 employees where similar notices are customarily posted:

10 (1) On premise consumption retailer licensees under
11 the Liquor Control Act of 1934 where the sale of alcoholic
12 liquor is the principal business carried on by the licensee
13 at the premises and primary to the sale of food.

14 (2) Adult entertainment facilities, as defined in
15 Section 5-1097.5 of the Counties Code.

16 (3) Primary airports, as defined in Section 47102(16)
17 of Title 49 of the United States Code.

18 (4) Intercity passenger rail or light rail stations.

19 (5) Bus stations.

20 (6) Truck stops. For purposes of this Act, "truck stop"
21 means a privately-owned and operated facility that
22 provides food, fuel, shower or other sanitary facilities,
23 and lawful overnight truck parking.

24 (7) Emergency rooms within general acute care
25 hospitals.

1 (8) Urgent care centers.

2 (9) Farm labor contractors. For purposes of this Act,
3 "farm labor contractor" means: (i) any person who for a fee
4 or other valuable consideration recruits, supplies, or
5 hires, or transports in connection therewith, into or
6 within the State, any farmworker not of the contractor's
7 immediate family to work for, or under the direction,
8 supervision, or control of, a third person; or (ii) any
9 person who for a fee or other valuable consideration
10 recruits, supplies, or hires, or transports in connection
11 therewith, into or within the State, any farmworker not of
12 the contractor's immediate family, and who for a fee or
13 other valuable consideration directs, supervises, or
14 controls all or any part of the work of the farmworker or
15 who disburses wages to the farmworker. However, "farm labor
16 contractor" does not include full-time regular employees
17 of food processing companies when the employees are engaged
18 in recruiting for the companies if those employees are not
19 compensated according to the number of farmworkers they
20 recruit.

21 (10) Privately-operated job recruitment centers.

22 (11) Massage establishments. As used in this Act,
23 "massage establishment" means a place of business in which
24 any method of massage therapy is administered or practiced
25 for compensation. "Massage establishment" does not
26 include: an establishment at which persons licensed under

1 the Medical Practice Act of 1987, the Illinois Physical
2 Therapy Act, or the Naprapathic Practice Act engage in
3 practice under one of those Acts; a business owned by a
4 sole licensed massage therapist; or a cosmetology or
5 esthetics salon registered under the Barber, Cosmetology,
6 Esthetics, ~~Hair Braiding~~, and Nail Technology Act of 1985.

7 (b) The Department of Transportation shall, upon the
8 availability of the model notice described in Section 15 of
9 this Act, post a notice that complies with the requirements of
10 this Act in a conspicuous place near the public entrance of
11 each roadside rest area or in another conspicuous location in
12 clear view of the public and employees where similar notices
13 are customarily posted.

14 (c) The owner of a hotel or motel shall, upon the
15 availability of the model notice described in Section 15 of
16 this Act, post a notice that complies with the requirements of
17 this Act in a conspicuous and accessible place in or about the
18 premises in clear view of the employees where similar notices
19 are customarily posted.

20 (d) The organizer of a public gathering or special event
21 that is conducted on property open to the public and requires
22 the issuance of a permit from the unit of local government
23 shall post a notice that complies with the requirements of this
24 Act in a conspicuous and accessible place in or about the
25 premises in clear view of the public and employees where
26 similar notices are customarily posted.

1 (e) The administrator of a public or private elementary
2 school or public or private secondary school shall post a
3 printout of the downloadable notice provided by the Department
4 of Human Services under Section 15 that complies with the
5 requirements of this Act in a conspicuous and accessible place
6 chosen by the administrator in the administrative office or
7 another location in view of school employees. School districts
8 and personnel are not subject to the penalties provided under
9 subsection (a) of Section 20.

10 (f) The owner of an establishment registered under the
11 Tattoo and Body Piercing Establishment Registration Act shall
12 post a notice that complies with the requirements of this Act
13 in a conspicuous and accessible place in clear view of
14 establishment employees.

15 (Source: P.A. 99-99, eff. 1-1-16; 99-565, eff. 7-1-17; 100-671,
16 eff. 1-1-19.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.

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